

**Senate Commerce, Labor & Agriculture Committee Amendment No. 1**

**Amendment No. 1 to SB0151**

**Cooper J  
Signature of Sponsor**

**AMEND Senate Bill No. 151\***

**House Bill No. 479**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language following the enacting clause in its entirety and inserting in lieu thereof the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 5, is amended by adding Sections 2 through 8 as a new part.

**SECTION 2.**

(a) The purpose of this part is to provide a statewide comprehensive and coordinated interdisciplinary program for identifying newborns with hearing loss and ensuring that they receive the appropriate diagnostic evaluation and follow-up care by utilizing existing resources and intervention services.

(b) All other state departments, including the department of education, and county and municipal health departments and education departments shall cooperate with the department of health in carrying out the provisions of this part.

SECTION 3. Unless the context otherwise requires, the following definitions shall apply:

(1) "Birth admission" means the time after birth that the newborn remains in the hospital prior to discharge.

(2) "Commissioner" means the commissioner of the department of health.

(3) "Department" means the department of health.

(4) "Hearing loss" means a hearing impairment in one or both ears of sufficient degree to interfere with the development of language and speech skills.

(5) "Infant" means a child up to twelve (12) months of age.

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(6) "Intervention and/or follow-up care" means the "child find, evaluation, service coordination and early intervention services" described in Part C of the Individuals with Disabilities Education Act (hereinafter "IDEA").

(7) "Medical Assistance Program" means the state-administered Medicaid program, TennCare.

(8) "Newborn" means the period from birth to thirty (30) days.

(9) "Parent(s)" means natural parent(s), step-parent(s), adoptive parent(s), legal guardian(s) or other legal custodian of a child.

(10) "Program" means the newborn infant hearing screening, tracking, and follow-up program established under the maternal and child health section of the Tennessee department of health.

(11) "Screening for hearing impairment" means employing a physiologic screening measurement for identifying whether an infant has a disorder of the auditory system. Procedures may include auditory brainstem response (ABR) screening, otoacoustic emissions (OAE) screening.

(12) "TEIS" means the Tennessee Early Intervention Services (Part C program described in the IDEA), a program that serves families of children with special needs from birth to three (3) years of age administered through the department of education.

**SECTION 4.**

(a) The department of health shall establish a statewide comprehensive and coordinated interdisciplinary program for identifying newborns with hearing loss and ensuring that they receive the appropriate diagnostic evaluation and follow-up care.

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(b) Such program shall coordinate comprehensive services with other state programs such as children's special services, the newborn screening program, Tennessee early intervention services and other related services that will aid in the prevention and treatment of newborns identified with hearing loss.

**SECTION 5.**

(a) Newborn hearing screening established by this part shall be provided only to newborns born in a hospital or birthing center.

(b) All licensed hospitals and birthing centers providing maternity and newborn infant care services shall assure that hearing screenings are completed on every newborn infant prior to discharge from the facility; provided, however, for those hospitals which do seventy-five (75) births or less annually, such hospitals shall refer the newborn infant to a hospital or other facility in the vicinity that performs the hearing screening.

(c) Hearing screening results shall be reported to the department of health through the newborn screening system on the lab form designated by the department of health.

(d) The hospital or birthing center shall inform the parent or guardian of the results of the hearing screening prior to hospital or birthing center discharge unless the screening is performed by another facility in which event the facility shall report such findings to the parent or guardian as soon as completed. Any infant who does not pass the hearing screening shall be referred to the infant's primary care physician or municipal health department for further testing or medical management.

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(e) An infant whose hearing screening test results indicate a need for further diagnostic audiologic examination shall be referred by the department of health newborn hearing screening program to the department of education TEIS program, who will be responsible for follow-up child find activities.

(f) The department of education, in compliance with IDEA, shall assume responsibility for assisting hospitals, physicians, and parents in the identification of diagnostic and intervention services within their respective communities.

(g) The department of health shall be responsible for developing a database on the number of infants screened, referred, and confirmed as having a hearing loss.

(h) Any person providing screening shall be properly trained and appropriately supervised by a state-licensed health care professional as defined in the rules promulgated by the department. The screening shall follow testing and referral rate guidelines established by the department.

(i) The department of health is authorized to promulgate necessary rules and regulations to implement the provisions of this part in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

**SECTION 6.**

(a) Any health care provider of delivery services in a non-hospital setting shall be responsible for submitting the newborn metabolic and hearing screening form to the department of health, even if the hearing screening was not performed, and shall advise the parent, guardian or custodian of the need to obtain a hearing screening within thirty (30) days as part of a referral of the newborn to a hospital, physician, or a facility that

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performs hearing screening. The department of health and TEIS shall also assist in identifying appropriate facilities that provide hearing screening.

(b) For infants born without health insurance coverage, the program will provide for hearing screening based upon a fee to be promulgated by the department.

SECTION 7. If the parent or parents or legal guardian of the newborn object to the hearing screening on the grounds that such test conflicts with religious tenets and practices, such test shall not be completed, and the parent or parents or legal guardian shall sign a written statement to that effect.

SECTION 8. The commissioner shall have the authority to formalize agreements with agencies in other states to provide services as may be needed.

SECTION 9. For the purposes of promulgation of rules, development of agreements and development of program structure, this act shall take effect July 1, 2001; for the purpose of mandatory hearing screening, this act will take place on July 1, 2003, the public welfare requiring it.